

November 18, 2005

Ms. Cathy Muse, CPPO
Director, Department of Purchasing and Supply Management
12000 Government Center Parkway
Suite 427
Fairfax, VA 22035-0013

Re: Public-Private Partnership Proposal

Dear Ms. Muse:

Edgemoor Real Estate Services ("Edgemoor") is submitting a proposal (the "Proposal") pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA") and the County's Guidelines for the design, development, construction, and financing of a workforce housing transit-oriented development project.

Edgemoor is requesting that the County protect certain material as confidential and proprietary information, as permitted pursuant to Section 2.2-3705 (A)(56) of the Freedom of Information Act. Specifically, we are requesting that the following proposal sections (collectively, the "Confidential Proposal Elements") be held as proprietary and confidential information:

- Sections 2.a and 2.f; and
- Section 3

It is our belief that the Confidential Proposal Elements qualify for proprietary and confidential treatment for the duration of the procurement period as they represent:

- Proprietary design information including site plans, proposed programming of uses, and project schedule information,
- Proprietary pricing information and narrative text that has been developed using company pricing models and information proprietary to our business, and
- Proprietary concepts with regard to a proposed deal structure.

To facilitate the confidential treatment of Confidential Proposal Elements, we are submitting them as a separately bound volume, attached herewith. It is our belief that releasing the Confidential Proposal Elements would potentially (1) harm the competitive position of Fairfax County by limiting innovation in the design and finance components of the project, and (2) cause an adverse impact to the competitive bargaining position of the Edgemoor Team.

Additionally, Edgemoor is a wholly owned subsidiary of Clark Construction Group, LLC; which is a privately held company. As such, we are requesting that the financial information requested to be submitted in Section 1.d be protected as confidential and proprietary. Please note that we are providing only a single copy of the financial information, included with the submission volume marked "Original."

Section 56-575.4 G of the PPEA also imposes an obligation on a public entity and any affected local jurisdiction to protect confidential and proprietary information submitted by entities such as the Edgemoor Team, when the public entity has agreed to do so.

We therefore request your assent and assurance that our company financial information and the Confidential Proposal Elements shall be exempt from all Virginia Freedom of Information Act requests. Should you disagree with our request for exemption, please provide us three working days notice of your decision in order that we may have an opportunity to respond. Edgemoor reserves the right to modify or withdraw its Proposal should we not come to mutual agreement with the County regarding what is acceptable for public dissemination.

Thank you for your consideration of this request. Should you have any questions, please feel free to contact me directly at 301-272-2990, or geoffrey.stricker@edgemoorservices.com.

Sincerely,

Geoffrey Stricker
Director